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Attorneys for Plaintiffs,
ARISTA RECORDS LLC; UMG
RECORDINGS, INC.; and SONY BMG
MUSIC ENTERTAINMENT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARISTA RECORDS LLC, a Delaware limited
liability company; UMG RECORDINGS, INC.,
a Delaware corporation; and SONY BMG
MUSIC ENTERTAINMENT, a Delaware
general partnership,

Plaintiffs,

v.

JOHN DOE,

Defendant.

E-filing

ORIGINAL
FILED
SEP 20 2007
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

07-04878

MMC

EX PARTE APPLICATION FOR LEAVE
TO TAKE IMMEDIATE DISCOVERY

1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26
2 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting Memorandum
3 of Law, hereby apply *ex parte* for an Order permitting Plaintiffs to take immediate discovery.

4 In support thereof, Plaintiffs represent as follows:

5 1. Plaintiffs, record companies who own the copyrights in the most popular
6 sound recordings in the United States, seek leave of the Court to serve limited, immediate discovery
7 on a third party Internet Service Provider ("ISP") to determine the true identity of Defendant John
8 Doe ("Defendant"), who is being sued for direct copyright infringement.

9 2. As alleged in the complaint, Defendant, without authorization, used an online
10 media distribution system to download Plaintiffs' copyrighted works and/or distribute copyrighted
11 works to the public. Although Plaintiffs do not know the true name of Defendant, Plaintiffs have
12 identified Defendant by a unique Internet Protocol ("IP") address assigned to Defendant on the date
13 and time of Defendant's infringing activity.

14 3. Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents
15 that identify Defendant's true name, current (and permanent) address and telephone number, e-mail
16 address, and Media Access Control ("MAC") address. Without this information, Plaintiffs cannot
17 identify Defendant or pursue their lawsuit to protect their copyrighted works from repeated
18 infringement.

19 4. Good cause exists to allow Plaintiffs to conduct this limited discovery in
20 advance of a Rule 26(f) conference where there are no known defendants with whom to confer.

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1 WHEREFORE, Plaintiffs apply *ex parte* for an Order permitting Plaintiffs to conduct the
2 foregoing requested discovery immediately.

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5 Dated: September 20, 2007

HOLME ROBERTS & OWEN LLP

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7 By: 
8 MATTHEW FRANKLIN JAKSA
9 Attorney for Plaintiffs
10 ARISTA RECORDS LLC; UMG
11 RECORDINGS, INC.; and SONY BMG
12 MUSIC ENTERTAINMENT
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